

1 STATE OF ILLINOIS)
2) SS
2 COUNTY OF COOK)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT, CRIMINAL DIVISION

5 PEOPLE OF THE STATE)
6 OF ILLINOIS)
7 Plaintiff)
8 KEITH L. MITCHELL)
9 Defendant)
vs) Number 92 CR 19459

10 REPORT OF PROCEEDINGS, taken in the
11 above-entitled cause, taken before the HONORABLE
12 THOMAS J. HENNELLY, Judge of said Court, taken on
13 Monday, December 14th, 2015.

14 APPEARANCES:

15 HONORABLE ANITA ALVAREZ
16 Cook County State's Attorney
17 BY: MS. CELESTE STACK
18 MS. LINDA WALLS
19 MR. KURT SMITKO
20 Assistant State's Attorneys
21 Appeared on behalf of the People

22 MS. GAYLE HORN
23 MS. TARA THOMPSON
24 Attorneys At Law
Appeared on behalf of the Defendant
Keith L. Mitchell

22 VERNITA HALSELL-POWELL, CSR
23 Official Court Reporter
24 2650 South California Avenue
Chicago, IL 60608

1 A. Whatever date it was, yes.

2 Q. And turning to X-36 lines 16 through 20,
3 were you asked this question, did you give this
4 answer:

5 .ds off

14 Do you recall being asked that question and giving
15 that answer?

16 A. I read that. I don't remember the
17 conversation.

18 Q. You don't have any reason to dispute what's
19 in the transcripts, right?

20 A. No, ma'am.

21 Q. Did Keith Mitchell confess at any time while
22 his mom was in the interrogation with you?

23 A. No.

24 Q. How many times did you see the Assistant

1 State's Attorney go in and speak with Keith Mitchell?

2 A. I don't know if I was paying attention. We
3 were up for some 30 some hours at that point. There
4 was so much going on, witnesses, offenders, paperwork.
5 So I didn't handle it, so I don't know.

6 Q. But you prepared a supplemental report,
7 right?

8 A. Yes, I did.

9 Q. Okay. And in that supplemental report you
10 referred to an ASA Sullivan. Do you know who ASA
11 Sullivan is?

12 A. I think that was clarified in the
13 transcripts, that was written in error.

14 Q. Okay. So how many times -- would a copy of
15 your supplemental report refresh your recollection
16 about how many times Sharon Jefferson spoke with Keith
17 Mitchell?

18 A. Not being present with the State's Attorney
19 probably don't. I honestly didn't.

20 Q. Were you present for the conversation when
21 Keith Mitchell confessed?

22 A. No.

23 Q. Sir, do you recall giving testimony at Keith
24 Mitchell's Motion to Suppress?

1 A. No, I don't.

2 Q. Well, were you asked this question and did
3 you give this answer? Page L-36 lines 1 through 4:

4 Q. You say the youth officer,
5 that officer Steven was present
6 when Keith Mitchell allegedly
7 confessed, is that correct?

8 A. He did confess and I was
9 present."

10 A. No.

11 Q. So you were present for the confession of
12 Keith Mitchell?

13 A. I don't remember talking to him.

14 MS. STACK: What page was that?

15 MS. HORN: L-36.

16 Q. So you were present for the confession of
17 Keith Mitchell?

18 A. I have no idea. I don't think so.

19 Q. You gave testimony under oath, correct?

20 A. Unless I misspoke, I'm just referring to the
21 statement made to Miss Jefferson and my partner.

22 Q. So you misspoke when you said I was present?

23 A. I'm guessing again, counselor. I don't
24 remember the conversation with him. I don't think I

1 was present for that. I know initially I said that I
2 advised him of his rights and he made denials.

3 Q. This question was actually, were you present
4 when Keith Mitchell allegedly confessed, right?

5 A. That's what it says, that's what it says.

6 Q. And the testimony that you gave at Keith
7 Mitchell's Motion to Suppress, that was a lot closer
8 in time to when these events occurred, right?

9 A. Unless I misspoke and he did confess with
10 the youth officer there.

11 Q. Okay. Was Keith Mitchell's mother present
12 for the confession?

13 A. I wasn't present for that, but I don't
14 believe so.

15 Q. Well, sir, according to your testimony in
16 1994, you were, in fact, present for Keith Mitchell's
17 confession, right?

18 A. I don't remember.

19 Q. You don't have any reason to dispute what's
20 in the record, do you?

21 MS. STACK: Objection.

22 THE COURT: Sustained.

23 Q. Do you recall when Keith Mitchell was
24 arrested?

1 Q. Mr. McDermott, prior to your testimony
2 today, did you review your testimony that you gave at
3 Mr. Mitchell's various proceedings?

4 A. Yes, part of it. I don't know if I went
5 through everything, but just the transcripts of what I
6 testified to.

7 Q. So, you read the transcripts of what you had
8 testified to, right?

9 A. Yes, ma'am.

10 Q. Did you review the police report?

11 A. No.

12 Q. You've had an opportunity to review them on
13 the witness stand?

14 A. I mean I didn't read in-depth. You pointed
15 out certain sections and I looked at it.

16 Q. As you sit here today, you don't have any
17 memory of your interaction with Keith Mitchell, do
18 you?

19 A. No.

20 Q. Do you remember what desk you were sitting
21 at?

22 A. We weren't assigned desks, so.

23 Q. Do you remember what desk you were sitting
24 at when Keith Mitchell was in the interrogation room?

1 told them I don't know who it is.

2 Q. And sir, you were asked whether or not you
3 ever participated in any abuse or torture of eight
4 individuals during your federal grand jury testimony
5 in September, 2008. Do you remember that?

6 A. I didn't count the numbers, but there was no
7 abuse or coercion.

8 Q. And so you deny to the extent that Mr.
9 Carroll has made any allegations against you, you deny
10 those allegations?

11 A. I -- not knowing what he said, but yes. I
12 felt that I was professional in my job and I drew a
13 line at what I did and I did not abuse or coerce
14 people into confessions.

15 Q. Did you detain Mr. Carroll for 16 hours?

16 MS. STACK: Judge, objection. He obviously can't
17 answer details like that as he said three times.

18 THE COURT: I'll give you some leeway, Ms. Horn,
19 but, you know, you can probably ask a hundred
20 questions about Mr. Carroll and we're going to get the
21 same answer again.

22 MS. HORN: That's fine, your Honor. I just don't
23 want it to be a situation where he's--

24 THE COURT: I'll let ask you a couple of

1 THE WITNESS: I'm not sure what you conversed with
2 my attorney now.

3 Q. So, are you aware that we tried to call him
4 a number of times regarding testimony today?

5 MS. STACK: Asked and answered. He just said he's
6 not aware.

7 Q. Is that your testimony, you're not aware?

8 A. The only thing I understood was the court
9 date like last month when there was like the --

10 THE COURT: The answer may stand.

11 Q. And you say that you take your oath
12 seriously when you testified, but you have admitted to
13 committing perjury, is that correct?

14 A. No.

15 Q. You admitted to committing perjury during
16 your federal grand jury testimony in the Jon Burge
17 trial, right?

18 A. No.

19 Q. You admitted that you lied under oath?

20 A. I don't know what your talking about.

21 Q. You admitted that during your grand jury
22 testimony in the federal trial of Jon Burge, you
23 admitted that you lied under oath, right?

24 A. No.

1 Q. You never admitted that you lied under oath?

2 MS. STACK: Asked and answered.

3 THE COURT: It's clear he says no.

4 MS. HORN: I'm done, your Honor.

5 THE COURT: Anything else?

6 MS. STACK: No.

7 THE COURT: The only thing I would like is that
8 the record reflect Mr. McDermott's lawyer has been
9 present the entire time. Can I have your name for the
10 record, sir?

11 MR. BONAGURO: Michael Bonaguro, B O N A G U R O.

12 THE COURT: Thank you, Mr. McDermott. You may
13 step down, sir.

14 MS. THOMPSON: Can we have Mr. McDermott and his
15 attorney step into the jury room before they leave so
16 we can address one matter?

17 THE COURT: I was going to excuse him. You want
18 me --

19 MS. THOMPSON: It's more his attorney not Mr.
20 McDermott, your Honor.

21 THE COURT: Okay.

22 (Whereupon, the following was held outside
23 the presence of Mr. Bonaguro.)

24 MS. THOMPSON: Your Honor, it's late and I hate to